

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

First Named Inventor :	Errol C. Heiman et al.	Appeal No. ---
Appln. No. :	09/823,079	
Filed :	March 30, 2001	Group Art Unit: 2161
For :	COMPREHENSIVE APPLICATION POWER TESTER	Examiner: Etienne Pierre Leroux
Docket No.:	S01.12-1022	

REPLY TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Sir:

This is in reply to the Notice of Non-Compliant Appeal Brief dated December 10, 2008, in which the Examiner somehow alleges the Brief fails to include a concise explanation of the claimed subject matter.

Applicant's below-signed attorney hereby objects to the above notice as being not based on fact and needlessly inflammatory.

Specifically, the Examiner incorrectly alleges Applicant fails to "map" the claimed "additional power source" to the specification. Further, the Examiner most inappropriately concludes, "Obviously, Applicant will not be able to provide the above requested mapping . . ."

Applicant provided a sufficient mapping of the "additional power source" to the power source 108 (shown in FIG. 1 and described in the specification) within the first paragraph of the Summary of Claimed Subject Matter section appearing on page 2 of Applicant's Brief.

In addition, the enclosed statement, filed at the request of the Examiner, illustrates the mapping in greater detail. FIG. 1 explicitly shows two separate power sources 107 and 108, and the cited description from the specification explicitly describes two separate power sources. Thus, in the context of the claims, the claimed power source 108 is clearly "in addition" to the claimed multi-voltage power source 107.

It goes beyond reason to suggest that Applicant's Brief does not contain a concise explanation of the claimed subject matter or that Applicant could not provide the requested mapping.

In any case, the enclosed statement indicates that the additional power source would have been obvious to one of ordinary skill in the art, when looking at Applicant's specification, at the time the invention was made.

Accordingly, Applicant respectfully requests that the Notice of Non-Compliant Brief be withdrawn and/or stricken from the record.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

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**STATEMENT IN RESPONSE TO NOTICE OF NON-COMPLIANT
APPEAL BRIEF**

I, Alan G. Rego, state as follows:

1. I am an associate in the law firm of Westman, Champlin & Kelly, which is located in Minneapolis, Minnesota. Westman, Champlin & Kelly acts as outside counsel to Seagate Technology LLC in patent matters. We prosecuted the above-identified patent application in accordance with instructions from Seagate Technology LLC.

2. Paragraph 19 of the specification in the above application is as follows:

The PCM 104 is connected to the I/O board 103 by a multiple conductor ribbon cable (not shown). In one preferred embodiment, the PCM 104 includes an AC power switch 106, a +5 Volt DC and a +12 Volt DC power source 107, a +24 Volt DC power source 108, a variable low disturbance switch 109, a variable peak disturbance switch 110, a down connector 111, and an up connector 112. (Emphasis Added.)

The above description of FIG. 1 of the application includes a power source 107 capable of supplying +5 Volts DC and +24 Volts DC, which is the claimed multi-voltage power source, and also includes a +24 Volt DC power source 108, which is the claimed additional power source.

FIG. 1 explicitly shows two separate power sources 107 and 108, and the above description from the specification explicitly describes two separate power sources. Thus, in the context of the claims, the claimed power source 108 is clearly “in addition” to the claimed multi-voltage power source 107.

Although the specification does not use the term “additional,” it goes beyond reason to suggest that the brief does not contain a concise explanation of the claimed subject matter. Applicants clearly “mapped” the two claimed power sources to two power sources described in the specification and shown in the drawings. The additional power source would have been obvious to one of ordinary skill in the art, when looking at Applicant’s specification, at the time the invention was made.

Applicants also hereby request that the Notice of Non-Compliant Appeal Brief and the Examiner’s negative comments contained therein be stricken from the record and removed from the file.

Respectfully submitted,
WESTMAN, CHAMPLIN & KELLY, P.A.

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